

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/GB2004/001368

International filing date (day/month/year)
29.03.2004

Priority date (day/month/year)
28.03.2003

International Patent Classification (IPC) or both national classification and IPC
B65C1/04, B65C9/18, B65C9/30, A61J7/00, B65G1/137

Applicant
ARX LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001368

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 16-20,57-61

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 16-20,57-61
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
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International application No.
PCT/GB2004/001368

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,12
Inventive step (IS)	Yes: Claims	
	No: Claims	1,12
Industrial applicability (IA)	Yes: Claims	1,12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.2.1 The present application contains 73 claims, of which 22 are independent.

Despite that there is no clear distinction between the independent claims because of overlapping scope and therefore for the time being a complete assessment of the number of inventions present in the application cannot be done, it has been identified three different groups of claims that concern three unrelated fields: labelling objects, medication commissioning, and computer software. Regarding the claims which subject-matter contains computer programs, Rule 39.1(vi) PCT applies. The rest of the claims are drafted in such a way (overlapping subject-matter, multiple independent claims in the same category, desiderata claims, e.g. claim 13, unduly broad claims, e.g. claim 12) that the claims as a whole are not in compliance with the provisions of clarity and conciseness (Article 6, Rule 6.1(a), Rule 6.4(a) PCT), as it is particularly burdensome for a skilled person to establish the subject-matter for which protection is sought.

A meaningful search of the whole claimed subject-matter could not be carried out (PCT Guidelines 9.19 and 9.25). The search was based on the following combined subject-matter: the features of claim 1, the features of claim 12, and the features described on page 12 of the description, lines 12 to 27.

V.2.2 Reference is made to the following documents:

D1: US 2002/099467 A1 (BARGH ADRIAN NEIL ET AL) 25 July 2002 (2002-07-25)

D2: US 6 173 551 B1 (BOWMAN JR RICHARD E ET AL) 16 January 2001 (2001-01-16)

V.2.3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 12 is not new in the sense of Article 33(2) PCT.

V.2.4 The document **D1** discloses (the references in parentheses applying to this document):

An automated pharmaceutical dispensing system comprising means for selecting and retrieving a pharmaceutical pack (28, paragraph [0062]), said means being arranged to deliver said pack to a labelling station (38), wherein said labelling station comprises a label printer (34) arranged to print a label

comprising information specific to a patient for whom said pharmaceutical pack is intended (paragraph [0331]), and means for applying said label to said pack; the system further comprising means for delivering said pack from the labelling station so as to be accessible to a user (42).

V.2.5 The document **D2** discloses (the references in parentheses applying to this document):

A labelling apparatus (Figure 3) comprising means for printing a label (40) and means for applying said label to an object (110,114) in at least two discrete planes.

V.2.6 A system as that of claim 1 in which the labeller is defined as in lines 12 to 27 of page 12 of the description appears to fulfil the novelty and inventivity requirements of the PCT.
